

SW



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,428	02/25/2002	Brandon D. Devaney	H8257	3770

7590 12/12/2003  
 Larry W. Brantley  
 Wadley & Patterson  
 Bank of America Plaza  
 414 Union Street, Suite 2020  
 Nashville, TN 37219

EXAMINER

SILBERMANN, JOANNE

ART UNIT	PAPER NUMBER
3611	

DATE MAILED: 12/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

**Office Action Summary**

Application No.

082428

Applicant(s)

Examiner

Silbermann

Group Art Unit

3611

**—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—****Period for Response**A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- ☒ Responsive to communication(s) filed on 9-19-03
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- ☒ Claim(s) 1-29 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) 5-8, 26-29 is/are allowed.
- ☒ Claim(s) 1-4, 9-23 is/are rejected.
- ☒ Claim(s) 24, 25 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119 (a)-(d)**

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

**Attachment(s)**

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

**Office Action Summary**

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 9-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hillstrom, US #5,647,155.

3. Hillstrom discloses a frame for use with a sheet mounting assembly including an upper channel (Figure 3) having first leg 72 connected to support structure 42 and second leg 106 resting against the support structure.

4. Hillstrom also discloses a lower frame (Figure 4) including vertical stop segment 104, horizontal upper frame segment 72 and a lower frame segment (the horizontal portion attached to leg 106). Tension frame member 80 is adjustably connected to the lower frame, as shown in Figure 4.

5. The sheet material, 52, has upper and lower wedge-shaped sheet tabs 82 placed in the rectangular upper and lower channels. The channels include upper and lower flanges 76. The lower frame adjusts to keep the sheet 52 taut.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 3611

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hillstrom.

8. Hillstrom teaches a method of installing a sheet on the frame (starting in line 1 column 7) but does not teach specifically the steps of the instant claims. However, the particular steps of the instant claims would have been obvious to a person having ordinary skill in the art, given the structure of Hillstrom.

***Allowable Subject Matter***

9. Claims 5-8 and 26-29 are allowed.

10. Claims 24 and 25 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

11. Applicant's arguments filed September 19, 2003 have been fully considered but they are not persuasive.

12. Applicant argues that the structure of the claims is not shown by Hillstrom, however, Applicant's arguments are narrower than the claim language. The structure of Hillstrom does show a channel, and the flanges are attached thereto. As shown in Figure 1, cap 83 and upper edge 44 clearly form a channel shaped opening. The securing clip 83 is secured to the support leg through hook member 76.

Art Unit: 3611

13. Regarding claims 9-15, the tension of the sheet material may be adjusted by means of tensioning mechanism 80 (Figure 4). Claim 9 does not require any specific structure, only that the assembly can be adjusted.

***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

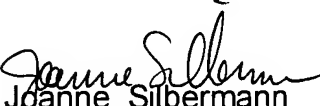
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 703-308-2091. The examiner can normally be reached on Tu-Th 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Art Unit: 3611

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
Joanne Silbermann  
Primary Examiner  
Art Unit 3611

js